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10/528,908

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Yoshikane Nishikawa

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WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER

SAINT CYR, JEAN D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,908	Applicant(s) NISHIKAWA, YOSHIKANE	
	Examiner Jean D. Saintcyr	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-19 filed 08/24/2005, are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6-10, 14, 15, 16, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Harry et al, US Patent No. 20030097661.

Re claim 1, Harry et al disclose a satellite digital broadcasting receiver(see fig.1, element 28, satellite receiver; receiving the program data stream via satellite 28, 0028) apparatus comprising a communication circuit(see fig.1, element 13,communications link; the communication links 13 , 0026) for transmission(transmission unit 12 , 0026)and receive of apparatus management information (management server, 0028)

and apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051) required for viewing a satellite digital broadcasting program(satellite TV programming, 0011)to and from a management center apparatus(management server, 0028) for managing the apparatus management information and the apparatus control information, wherein said communication circuit(see fig.1, element 13,communications link; the communication links 13 , 0026) comprises a VoIP interface(Voice over IP, 0057)circuit connected(see fig.8, PCI BUS connection) to an IP network(various hubs 16-26 provide broadband Internet Protocol, 0026)

wherein said VoIP interface(Voice over IP, 0057) circuit transmits data(transmit information, 0026) including the apparatus management information(a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information)to said management center(management server, 0028) apparatus via said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026) and an access point communication(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057) apparatus using a VoIP (Voice over IP, 0057) packet signal(IP packets are made ready for transmission over a network, 0013), and wherein said VoIP interface(Voice over IP, 0057) circuit receives data including the apparatus control information from said management center apparatus(a server host processor module 510 that is responsible for the management and control, 0051) via said access point communication apparatus(see fig.2, element 220, access device; a broadband access device 220), said public switched telephone network(see fig.1, element 6, PSTN; a Public Switching Telephone Network , 0031), said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) and said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026)using the VoIP(Voice over IP, 0057)packet signal(see fig.6, element 604, IP packetization module).

Re claim 2, Harry et al disclose wherein said VoIP interface (Voice over IP, 0057) circuit transmits the data(transmit information, 0026) including the apparatus management information (a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information) to said management center apparatus(management server, 0028) via said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026), the gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029), the public switched telephone network(see fig.1, element 6, PSTN; a Public Switching Telephone Network , 0031) , and said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057 and see fig.2, element 220, access device), and wherein said VoIP interface(Voice over IP, 0057) circuit receives the data() including the apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051)from said management center apparatus(management server, 0028) via said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057 and see fig.2, element 220, access device), said public switched telephone network(see fig.1, element 6, PSTN; a Public Switching Telephone Network , 0031), said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029), and said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026).

Re claim 3, Harry et al disclose wherein said VoIP(Voice over IP, 0057) packet signal(IP packets are made ready for transmission over a network, 0013) is constituted so that an IP header, a UDP header(user datagram protocol ,UDP, 0064), and an RTP

header(Routing transfer protocol , RTP, 0064) are added to data of the apparatus management information(management server, 0028) or the apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051).

Re claim 6, Harry et al disclose wherein said VoIP interface(Voice over IP, 0057) circuit divides(subdivide the traffic over the broadband connection,0030) the data including said apparatus management information(A media database management server 40 may manage the storage unit operations, 0028) to a plurality of VoIP packets(a plurality of Voice over IP, 0057), transmits(concurrently transmitted , 0026) the plurality of VoIP packets(a plurality of Voice over IP, 0057), and transmits a next VoIP packet signal in response to an acknowledgment signal(Once the user response has been processed at the content creation and processing system 12, the requested data files are transmitted to the user via a series of gateways and routers, 0029) from said management center apparatus(management server, 0028).

Re claim 7, Harry et al disclose a VoIP adapter apparatus(see fig.8, element 802, VOIP device) for use in a satellite digital broadcasting receiver apparatus(see fig.1, element 28, satellite receiver; receiving the program data stream via satellite 28, 0028) comprising a communication circuit that transmits and receives(see fig.1, element 13,communications link; the communication links 13 , 0026) apparatus management information (management server, 0028) and apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051) required for viewing a satellite digital (satellite TV programming, 0011) broadcasting program to and from a management center apparatus(management server, 0028) for managing the apparatus management information and the apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051), said VoIP adapter apparatus(see fig.8, element 802, VOIP device)comprising: a telephone modem connected to said communication circuit(see fig.8,

element 804, DSL modem); and a VoIP interface(see fig.8, element 802, VOIP device) circuit connected to said telephone modem and an IP , Internet Protocol, network(,various hubs 16-26 provide broadband Internet Protocol, 0026) wherein said VoIP(see fig.8, element 802, VOIP device) interface circuit transmits data(the requested data files are transmitted to the user via a series of gateways and routers, 0029), that includes the apparatus management information(management server, 0028) and that is received from said communication circuit via said telephone modem(see fig.8, element 804, DSL modem) to said management center apparatus via said IP network and an access point communication apparatus, using a VoIP , Voice over Internet Protocol(Voice over IP, 0057) packet signal(see fig.6, element 604, IP packetization module), wherein said VoIP interface circuit(see fig.8, element 802, VOIP device)receives data including the apparatus control information from said management center apparatus via said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057 and see fig.2, element 220, broadband access device) and said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026) using the VoIP packet signal, and outputs the data to the communication circuit via the telephone modem(see fig.8, element 804, DSL modem).

Claim 8 recites what was discussed with respect to claim 2.

Claim 9 recites what was discussed with respect to claim 3.

Re claim 10, Harry et al disclose wherein said VoIP(Voice over IP, 0057) packet signal(IP packets are made ready for transmission over a network, 0013) is constituted so that an IP header, a UDP header(user datagram protocol ,UDP, 0064), and an RTP header(Routing transfer protocol , RTP, 0064) are added to data()of the apparatus management information(management server, 0028 or the apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051).

Re claim 15, Harry et al disclose wherein said VoIP interface(Voice over IP, 0057) circuit divides(subdivide the traffic over the broadband connection,0030) the data including said apparatus management information(A media database management server 40 may manage the storage unit operations, 0028) to a plurality of VoIP packets(a plurality of Voice over IP, 0057), transmits(concurrently transmitted , 0026) the plurality of VoIP packets(a plurality of Voice over IP, 0057), and transmits a next VoIP packet signal in response to an acknowledgment signal(Once the user response has been processed at the content creation and processing system 12, the requested data files are transmitted to the user via a series of gateways and routers, 0029) from said management center apparatus(management server, 0028).

Claim 16 recites what was discussed with respect to claim 6.

Re claim 19, Harry et al disclose wherein said VoIP(Voice over IP, 0057) packet signal(IP packets are made ready for transmission over a network, 0013) is constituted so that an IP header, a UDP header(user datagram protocol ,UDP, 0064), and an RTP header(Routing transfer protocol , RTP, 0064) are added to data of the apparatus management information(management server, 0028) or the apparatus control information(a server host processor module 510 that is responsible for the management and control, 0051).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 11, 12, 13, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harry et al in view of Emerson et al, US No. 20030002486.

Re claim 4, Harry et al disclose a storage device(see fig.2, local server) ,of said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057; see fig.2, element 220, access device; a broadband access device)and control means for generating an address ()of said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) ,wherein said VoIP interface circuit transmits (Voice over IP, 0057)the VoIP packet signal(IP packets are made ready for transmission over a network, 0013) including the data including said apparatus management information(a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information) to said gateway apparatus((see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) via said IP network (various hubs 16-26 provide broadband Internet Protocol, 0026).

But fail to disclose stores a telephone number, from said telephone number, and control means for generating an address, using said generated address as a destination address.

In an analogous art, Emerson et al disclose stores a telephone number (telephone number, 0019), from said telephone number (telephone number, 0019), and control means for generating an address (Every device capable of communicating on the Internet has an IP address assigned to it, either permanently, or dynamically as needed,

0006), using said generated address as a destination address (destination address, 0007).

In view of the teaching of Emerson, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce store telephone number, generating an address and using said generated address as a destination address into the system of Harry, as taught by Emerson, for the benefit of making the system more usable.

Re claim 5, Harry et al disclose a storage device (see fig.2, local server) , of said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057; see fig.2, element 220, access device; a broadband access device); and wherein said VoIP interface circuit(Voice over IP, 0057)transmits the VoIP packet signal(IP packets are made ready for transmission over a network, 0013) including the data including said apparatus management information(a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information) to said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) via said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026).

But fail to disclose store a telephone number control means for transmitting an inquiry signal including said telephone number to a predetermined server apparatus, and for receiving an address of said gateway apparatus transmitted in response to the inquiry signal, using said received address as a destination address.

In an analogous art, Emerson et al disclose store a telephone number (telephone number, 0019) control means for transmitting (Upon determining the IP address of the

called TN, the switching system will transmit that information in a reply message to the interface device, 0036) an inquiry(Upon receiving a request message from a user to create a telephone connection , 0067) signal including said telephone number(telephone number, 0019) to a predetermined server apparatus(a server, 0079), and for receiving an address (the IP address of that device, 0006) of said gateway apparatus transmitted in response to the inquiry signal(the IP addresses of both the sending and destination device, when a device receives an Internet message from a sending device, it will then possess the IP address of the sender and can send messages in reply, 0006),using said received address as a destination address(destination address, 0007).

In view of the teaching of Emerson, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement store a telephone number, control means for transmitting an inquiry signal including said telephone number to a predetermined server apparatus, and for receiving an address of said gateway apparatus transmitted in response to the inquiry signal, using said received address as a destination address into the system of Harry. With such modification, the system will be able to store phone number and IP address to server.

Claim 11 recites what was discussed with respect to claim 4.

Re claim 12, Harry et al disclose a storage device(see fig.2, local server) ,of said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057; see fig.2, element 220, access device; a broadband access device)and control means for generating an address ()of said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) ,wherein said VoIP interface circuit transmits (Voice over IP, 0057)the VoIP packet signal(IP packets are made ready for transmission

over a network, 0013) including the data including said apparatus management information(a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information) to said gateway apparatus((see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) via said IP network (various hubs 16-26 provide broadband Internet Protocol, 0026).

But fail to disclose stores a telephone number, from said telephone number, and control means for generating an address, using said generated address as a destination address.

In an analogous art, Emerson et al disclose stores a telephone number (telephone number, 0019), from said telephone number (telephone number, 0019), and control means for generating an address (Every device capable of communicating on the Internet has an IP address assigned to it, either permanently, or dynamically as needed, 0006), using said generated address as a destination address (destination address, 0007).

In view of the teaching of Emerson, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce store telephone number, generating an address and using said generated address as a destination address into the system of Harry, as taught by Emerson, for the benefit of making the system more usable.

Claim 13 recites what was discussed with respect to claim 5.

Re claim 14, Harry et al disclose a storage device (see fig.2, local server) , of said access point communication apparatus(The output system 800 may be designed to accomplish wire-speed IP routing and provide a single service access point for multiple telecom services and connections to the existing traditional service-specific networks and access networks, 0057; see fig.2, element 220, access device; a broadband access

device); and wherein said VoIP interface circuit(Voice over IP, 0057)transmits the VoIP packet signal(IP packets are made ready for transmission over a network, 0013) including the data including said apparatus management information(a content management subsystem for user authentication, billing, digital rights management protection, etc. , 0012; that means management information) to said gateway apparatus(see fig.2, element 210, media gateway; the gateway 16 may convert the system 12 via the broadband communication network,0029) via said IP network(various hubs 16-26 provide broadband Internet Protocol, 0026).

But fail to disclose store a telephone number control means for transmitting an inquiry signal including said telephone number to a predetermined server apparatus, and for receiving an address of said gateway apparatus transmitted in response to the inquiry signal, using said received address as a destination address.

In an analogous art, Emerson et al disclose store a telephone number (telephone number, 0019) control means for transmitting (Upon determining the IP address of the called TN, the switching system will transmit that information in a reply message to the interface device, 0036) an inquiry(Upon receiving a request message from a user to create a telephone connection , 0067) signal including said telephone number(telephone number, 0019) to a predetermined server apparatus(a server, 0079), and for receiving an address (the IP address of that device, 0006) of said gateway apparatus transmitted in response to the inquiry signal(the IP addresses of both the sending and destination device, when a device receives an Internet message from a sending device, it will then possess the IP address of the sender and can send messages in reply, 0006),using said received address as a destination address(destination address, 0007).

In view of the teaching of Emerson, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement store a telephone number, control means for transmitting an inquiry signal including said

telephone number to a predetermined server apparatus, and for receiving an address of said gateway apparatus transmitted in response to the inquiry signal, using said received address as a destination address into the system of Harry. With such modification, the system will become more usable in having the possibility to store phone number and IP address to server.

Re claim 17, Harry et al disclose wherein said VoIP interface(Voice over IP, 0057) circuit divides(subdivide the traffic over the broadband connection,0030) the data including said apparatus management information(A media database management server 40 may manage the storage unit operations, 0028) to a plurality of VoIP packets(a plurality of Voice over IP, 0057), transmits(concurrently transmitted , 0026) the plurality of VoIP packets(a plurality of Voice over IP, 0057), and transmits a next VoIP packet signal in response to an acknowledgment signal(Once the user response has been processed at the content creation and processing system 12, the requested data files are transmitted to the user via a series of gateways and routers, 0029) from said management center apparatus(management server, 0028).

Claim 18 recites what was discussed with respect to claim 6.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chow et al (US. 20080043690) disclose a method and an apparatus for delivering IPP2T (IP-Push –to talk) wireless LAN mobile radio service

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an

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application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr/

02/27/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623